THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION No.20464 of 2002

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Dt:06.09.2005

Between:

Bandi Narsa Goud

.. Petitioner

and

The Prohibition & Excise Superintendent and

Others.

.. Respondents

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No.20464 of 2002

ORDER:

This writ petition is filed seeking a declaration that the alleged action of the respondents in cutting down 2500 excise trees (toddy/sendhi) at Bandlaguda village, Rajendranagar Mandal, Ranga Reddy District, as illegal and arbitrary.

The writ petitioner claims to be the President of the Andhra Pradesh Geetha

Parisramikula Sankshema Sangam, Imboliadda, Kachiguda, Hyderabad. In the affidavit filed in support of the writ petition, it is stated that the Excise authorities have destroyed around 2500 excise trees in Bandlaguda village, Rajendranagar Mandal and that the said trees were removed from the roots. It is also pleaded that the said plants were planted for allotment of the same to the toddy shop licencees. The Government of Andhra Pradesh sanctioned amount and the same was invested in plantation of those trees and therefore, the action of the respondents in cutting the said trees, without obtaining the sanction as required under Section 27 of the A.P. Excise Act, 1968, is illegal and arbitrary.

On behalf of the respondents, Prohibition & Excise Superintendent, Ranga Reddy District, filed counter-affidavit stating that the A.P. Excise Academy is situated in Bandlaguda Village, Rajendranagar Mandal in an area of about Ac.26.08, which is a Government land. The Academy was constructed in 1983. Out of the said land, an extent of Ac.20.00 was occupied with the administrative block, Academic block etc. However, on the northern side, approximately an extent of Ac.6.00 of land was kept idle, without any habitation and plantation, except a water tank. Over a period of time, a wild jungle with thick bushes has developed in the land. It is further stated that there was no activity of training programs in the Academy from March 2002 to July 2002. Subsequently, a decision was taken by the authorities to organize in such a way that there would be training courses in the Academy through out the year for officers in various cadres in the Department. Accordingly, the first training programme started. While so, there were frequent complaints from the candidates of both Constables and especially officers that poisonous snakes and scorpions were observed by them in the mess, hostel rooms, Academic Block, Director Quarters and Administrative block. There was also an occasion, when a big cobra was killed in the academic block near the room of Chief Law Instructor, while the academy was in session. In the circumstances, the third respondent keeping in view the safety and lives of hundred officers/constables, who were undergoing training, decided to clear the bushes/jungle in nearby Ac.6.00 by engaging a proclainer. In the course of clearing the bushes, some excise trees of various sizes fell down. It is to be noted that though the petitioner alleged that about 2500 trees were cut, but in the counter affidavit, it is categorically stated that only 91 trees were cut during the course of clearing the bushes and the same is in good faith and in order to protect the lives of

Constables and officers, who are undergoing training in the campus.

It is also relevant to note that after cutting the said trees, on a request made by the Director of A.P. Excise Academy on 01.10.2002, the Prohibition and Excise Superintendent, R.R. District, having called for a report from the Station House Officer, Rajendranagar, ratified the action of the Director of the A.P. Excise Academy in cutting the trees in question. That apart, admittedly the said trees were not allotted to any licensee so far. It is also relevant to note that Under Section 69 of the Act, no legal proceedings shall lie against the Government or any Prohibition and Excise Officer or any other person empowered to exercise powers or to perform the functions under this Act for anything in good faith done or intended to be done under this Act. Hence, I do not find any reason to issue the writ as prayed for.

In the circumstances, the writ petition is disposed of with an observation that the officials concerned shall take appropriate steps to replant the trees, which were cut in the course of clearing the bushes in the campus of the Academy. There shall be no order as to costs.

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06.09.2005

kdl